REVENUE ACT—TELEGRAMS—DUTY TO STAMP—KIRK v. WESTERN TEL. CO., 90 Fed. Rep. 809.—Under act of Congress of June 18, 1898, § 18, providing that a Telegraph Co. shall incur a penalty for transmitting a message not stamped as required therein; and § 7, providing that one who shall "make, sign, or issue" an instrument not properly stamped, shall be subject to a fine. *Held*, that it is the duty of the maker or signer of the message offered for transmission to affix the stamp.

SURETY—EXTENSION OF TIME—KAUFFMAN v. ROWAN ET UX., 42 Atl. 25 (Pa.).—The man primarily liable on a debt secured by a mortgage on his wife's lands, contracted in writing with the mortgagees to make certain payments. They on their part agreed on such payments being made that the time of the maturity of the mortgage should be extended one year. The mortgagees expressly stipulated that in no way should their rights for the enforcement of the mortgage be relinquished or prejudiced. The money was not paid. *Held*, that even though the wife be considered a surety for her husband's debt, she is not released by such extension of time.

TORTS—CONTRIBUTORY NEGLIGENCE—NEGLIGENCE AFTER KNOWLEDGE OF PLAINTIFF'S PERIL—GENERAL AND SPECIAL FINDINGS—KREUZER v. PITTSBURGH, C. C. & ST. L. RY. CO., 52 N. E. (Ind.) 220.—Where a child of seven and a half years fell asleep at a crossing and was run over by a railroad train, the jury found that it was daylight, in a populous city, approaching a crossing, where children were liable to be, and that the sleeping child was in plain view from the engine for 300 feet from the crossing, so that the fireman and engineer could have seen him had they looked. It was also found that the child knew that trains were run thereon, and had capacity sufficient to understand that, if he remained on the track, he was liable to be run over. *Held*, sufficient to show contributory negligence so conclusively as to prevail over a general verdict for plaintiff; also, that the rule that a person, placed in peril by his own negligence, can nevertheless recover if the person inflicting the injury could have prevented it by ordinary care after discovering the situation, does not apply, although the train was proceeding negligently at an excessive rate of speed and the bell was not rung. McCabe, J., dissenting, holds that it was not a matter of law, but a question for the jury to decide what amount of intelligence is comprised in the "ordinary" intelligence of any boy seven and a half years old. Also, since the negligence of the boy was found to be antecedent to that of the trainmen, and that the latter, if they had used ordinary care, could have seen him in time to avoid running over him, their negligence, and not his, was the proximate cause of the injury. That the rule in Indiana, and most of the states, is different, he strenuously denies, after an exhaustive review of the cases. For a very similar case, agreeing with this dissent, see *Pickett* v. *R. R.*, 117 N. C., 616, 53 Am. St. R. 611.

LOSS OF VESSEL—NEGLIGENCE OF OFFICERS.—WILLIAMS v. HAYS, 52 N. E. (N. Y.) 589.—The rule that a person of unsound mind is responsible for his torts the same as if he were of sound mind, *held*, not to apply to a case where a vessel was lost by the negligence of her master, who had become temporarily insane through exhaustion caused by his efforts to save her during a storm. The court considered it a case for applying the maxims, "The law intends what is agreeable to reason; in does not suffer an absurdity," and "Impossiblity is an excuse in law, and there is no obligation to perform impossible things." Bartlett, J., dissenting.